

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

STANLEY RAY BROWN, )  
                          )  
*Plaintiff,*           ) Case No. 4:12-cv-80  
v.                        )  
MICHAEL J. ASTRUE,     )  
*Commissioner of Social Security,* ) Judge Mattice  
                          )  
*Defendant.*           )

**ORDER**

On March 29, 2013, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 12) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that Defendant's Motion to Dismiss, or in the alternative, for Summary Judgment (Doc. 9) be denied.

Defendant has filed no objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has reviewed the Report and Recommendation as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule

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<sup>1</sup> Magistrate Judge Lee specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 12 at 7 n.3); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Defendant could timely file objections has now expired.

72(b), and Defendant's Motion to Dismiss or for Summary Judgment (Doc. 9) is **DENIED**. The Commissioner is hereby **ORDERED** to file his answer to Plaintiff's Complaint **no later than May 8, 2013.**

**SO ORDERED** this 24th day of April, 2013.

*/s/ Harry S. Mattice, Jr.*  
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HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE